

"its own mechanism of congressional reporting." Response Letter at 6. As described above, the HEROES Act requires ED to provide Congress with an "impact report" no later than 15 months after it provides any waiver or modification. *Id.* §1098bb(c). On its face, this reporting requirement does not displace the purpose of CRA and its requirements, which trigger before an agency takes action. It would be wholly consistent with both CRA and the HEROES Act for an agency to first submit a CRA report (and find "good cause" to forego the normal requirements), and then to take action pursuant to the HEROES Act, and then to report on the impact of such actions within 15 months. See B-333501, Dec. 14, 2021 (finding that the Centers for Disease Control and Prevention (CDC) had to submit a CRA report in connection with new masking requirements, but that it could address the need for emergency implementation through a good cause waiver); B-333732, Jul. 28, 2022 ("While CRA does not provide an emergency exception from its procedural requirements . . . [it] addresses an agency's need to take emergency action without delay."). Indeed, over the course of the COVID-19 public health emergency, several agencies have submitted rules for congressional review while waiving the delay in effective date by invoking CRA's good cause exception. See, e.g., B-33486, Aug. 10, 2021; B-333381, Jul. 9, 2021; B-332918, Feb. 5, 2021.

#### *Issues before the Supreme Court*

With this decision, we are not addressing the questions currently before the Supreme Court in *Biden v. Nebraska*, which include whether ED's Waivers and Modifications "exceed[ed] the Secretary [of Education]'s statutory authority or [were] arbitrary and capricious." See Supreme Court Docket No. 22-506, Questions Presented (Dec. 1, 2022), available at <https://www.supremecourt.gov/docket/docketfiles/html/qp/22-00506qp.pdf>. For present purposes, we treat the Waivers and Modifications as an exercise of the HEROES Act authority that ED invoked to support them. We hold only that a valid exercise of authority under the HEROES Act is subject to CRA. We need not reach the more specific conclusion about the substantive validity of ED's Waivers and Modifications at issue in the Supreme Court's decision in *Biden v. Nebraska* in order to reach a conclusion under CRA.

#### CONCLUSION

ED's Waivers and Modifications meet the definition of a rule under CRA and no exception applies. Therefore, ED's Waivers and Modifications are subject to the requirement that they be submitted to Congress. If ED finds for good cause that normal delays are impracticable, unnecessary, or contrary to the public interest, then its rule may take effect at whatever date ED chooses, consistent with CRA. 5 U.S.C. §808(2).

EDDA EMMANUELLI PEREZ,  
General Counsel.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE BISMARCK CAPITAL ICE CHIPS

• Mr. CRAMER. Madam President, this is a time of year when sports seasons wrap up and tournaments and final competitions crown new champions. I have the privilege today of recognizing one team of outstanding figure skaters from Bismarck, ND. They are the Capital Ice Chips, 22 high school girls under the age of 18 who this month skated their way to the gold medal in

the U.S. National Synchronized Skating championships.

The Ice Chips are not strangers to this national competition, which was held in Peoria, IL. They have qualified for nationals for the past 13 years and have stood on the winners podium nine times. This year, they were on the top step for the first time after competing against 12 other teams hailing from much larger metropolitan areas in California, New York, Illinois, New Jersey, and Arizona.

The 20-year-old Bismarck Figure Skating Club has been dominant in national competitions because it begins training young skaters as young as preschoolers. With considerable support from parents and top-notch teachers and coaches at every stage of learning, these young skaters also start synchronized skating at an early age. Most of this year's Capital Ice Chips are veteran skaters who have attended many regional and national competitions.

I want to commend the coaches, notably Rebecca Gallion, who has been with the Bismarck Figure Skating Club for all of its 20 years, as well as Selena Morris and Hayley Trom. Previous skaters have become instructors and coaches and have been instrumental in helping the Ice Chips advance to the level of excellence on display at the national competition this year.

The skaters on the Capital Ice Chips national championship team are Emily Appert, Elyse Bock, Nora Carlson, Gabriella Deeter, Chloe Dwyer, Isabelle Ersland, Brooklyn Gallion, Tatum Gietzen, Ella Haar, Miah Hamar, Kamri Hopfauf, Ashlyn Iverson, Nora Luckenbill, Taryn Nelson, Addison Rakness, Kadence Rambur, Addison Renton, Morgan Schatz, Lexi Stenberg, Reece Theel, Ethnie Zahn, and Kinzie Zahn.

North Dakota's legendary winters bring out a love of winter sports, including those played on ice rinks across my State. Figure and synchronized skating require teamwork and discipline in these young athletes, and I congratulate the Capital Ice Chips for their dedication and hard work that earned them this championship. I join the rest of North Dakota in thanking the Bismarck Figure Skating Club and the Capital Ice Chips for inspiring all of us to achieve excellence. They have demonstrated what can be achieved by combining faith and passion with determination and teamwork.●

##### TRIBUTE TO ALEX RAY, LISA MURE, SUSAN MATHISON, AND STEVE RAND

• Ms. HASSAN. Madam President, I am honored to recognize Alex Ray and Lisa Mure of Holderness and Susan Mathison and Steve Rand of Plymouth as March's Granite Staters of the Month. The group of friends started a nonprofit, Common Man for Ukraine, that has raised more than \$2.6 million

for Ukrainian children impacted by Putin's unconscionable invasion of Ukraine.

Following the onset of the war, the group wanted to figure out how they could help the Ukrainian people. Through their membership with the Plymouth Rotary Club, Alex and Steve connected with Rotarian leaders in Poland, which was already seeing an influx of Ukrainian refugees fleeing the conflict. And then Alex, Susan, Steve, and Lisa jumped into action. Within just 2 weeks, the four friends were on the ground in Poland and Ukraine meeting with Ukrainian and Polish Rotary Club leaders about the needs of local displaced person camps, orphanages, and safehouses for displaced children.

When the group returned to New Hampshire, they began to raise funds, with the first donation being \$500 from the Plymouth Rotary Club. Since then, they have raised more than \$2.6 million to purchase 750 tons of food for their partners in Poland. The NH Fisher Cats AA baseball team also hosted a benefit game to raise funds.

The group has not let up in their efforts over the past year. They have visited Poland and Ukraine three more times to evaluate the changing needs on the ground in coordination with their Rotarian partners. In addition to packing warehouses with essential goods, they also delivered those relief supplies themselves to safehouses and orphanages for children impacted by the war. This past Christmas, they brought personal solar lanterns, food, generators, and presents to 21 Ukrainian orphanages, so that the children could experience literal and symbolic light throughout the various power outages. When the Granite Staters arrived with the supplies, the children excitedly came outside in the cold to greet them, and they were able to share Christmas greetings and carols despite the language barrier. The four volunteers bravely returned to Ukraine on the war's February anniversary to deliver supplies to 14 additional orphanages and safehouses.

The work that Alex, Susan, Steve, and Lisa have done with their nonprofit organization is an incredible testament to the impact that Granite Staters can have, even across the world, when they are helping others. They refused to stand by during a devastating war and the subsequent refugee crisis, instead boldly finding a way to directly help Ukrainian children. Alex, Susan, Steve, and Lisa embody the Granite State spirit of taking on a challenge directly in order to make a real difference, and I know that they will continue to make New Hampshire proud through their work in Poland and Ukraine.●

##### TRIBUTE TO PASTOR HAN BYEONG CHEOL

• Mr. OSSOFF. Madam President, I rise today to commend Pastor Han